

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: SOCIAL SERVICES - SOCIAL SERVICES & COUNTRYSIDE ADULT HOME

DATE: OCTOBER 27, 2011

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS LOEB  
KENNY  
BENTLEY  
STRAINER  
WOOD  
MCDEVITT

**OTHERS PRESENT:**

SUZANNE WHEELER, DEPUTY COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES  
JULIE MONTERO, FISCAL MANAGER, DEPARTMENT OF SOCIAL SERVICES  
DEANNA PARK, DIRECTOR, COUNTRYSIDE ADULT HOME  
REPRESENTING SIEMENS INDUSTRY, INC.:  
WILLIAM CASEY, PERFORMANCE ASSURANCE ENGINEER  
PAUL DUSEK, COUNTY ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISOR THOMAS  
DON LEHMAN, *THE POST STAR*  
THOM RANDALL, *ADIRONDACK JOURNAL*  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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**COMMITTEE MEMBER ABSENT:**

SUPERVISOR SOKOL

Mr. Loeb called the meeting of the Social Services Committee to order at 9:30 a.m.

Motion was made by Mr. Kenny, seconded by Mr. McDevitt and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Deanna Park, Director of the Countryside Adult Home, who distributed copies of her meeting agenda to the Committee members; *a copy of the agenda is also on file with the minutes.* Ms. Park announced Agenda Item 1 pertained to a review of the Year Four Energy Performance Assurance Report and introduced William Casey, Performance Assurance Engineer for Siemens Industry, Inc., who was in attendance to address the issue. Mr. Casey proceeded with a brief overview of the Energy Performance Assurance Report, a copy of which is on file with the minutes. During his review, Mr. Casey noted a total verified savings of \$35,327 had been attained for year four of the fifteen-year contract and pointed out that a total savings of \$23,272 had been guaranteed by Siemens, leading to an excess savings of \$12,055.

Referring to information provided on page 8, Mr. Loeb pointed out that an estimated fuel oil purchase price of \$1.74 per gallon had been projected for the year four report, while an actual cost of \$3.52 per gallon had been realized and he questioned how a savings could have been attained considering this price increase. Mr. Casey responded that the savings to the County was determined based on the number of energy units saved, multiplied by the current cost; therefore, he added, the savings had been greater because the cost was higher. Mr. Geraghty opined that this was a rather inflationary manner in which to consider cost savings as lower fuel prices would have led to much lower savings for the County.

Mr. McDevitt reminded the Committee of discussions held during their prior meeting in relation to conditions specified when the contract was initially established that were no longer in existence and he asked Mr. Casey to expound upon them. Additionally, he asked Mr. Casey to comment on the rate being paid to the Westmount Health Facility for laundry services and whether a lesser cost would be incurred through a vendor contract. Mr. Casey responded that, unfortunately, he was unable to comment on the laundry issue because it was not within the scope of services provided. As for the specified conditions not being met, Mr. Casey apprised the most considerable

was the evening set back temperatures that were not being adhered to in light of NYSDOH (New York State Department of Health) regulations which mandated certain temperature requirements. He said he had discussed the issue with Ms. Park and advised that although the contract language could not be changed, they could implement alternative measures to take advantage of temperature setbacks in unoccupied areas during evening hours to obtain energy savings whenever possible. Mr. Casey stated that these modified arrangements had been set in place in February/March of 2011 and significant improvement in the energy usage had been reflected. He added that he intended to meet with Ms. Park again in the near future to review operations at the Countryside facility and ensure that all possible measures were being taken to ensure energy savings for the current heating season. Mr. Casey concluded that he was unsure why NYSDOH regulations had not been taken into account when the contract was established, but reiterated that it could not be altered as it was already in force.

Mr. McDevitt then commented that he did not feel it was appropriate for the energy savings results to be maintained and audited by the same company that had guaranteed them, much the same as the Treasurer's Office was required to contract with a third party to audit their records, rather than do them independently. Mr. Casey replied that he understood Mr. McDevitt's concerns and would be happy to work with a third party auditor if the County decided to proceed in that direction.

Following further discussion on the matter, motion was made by Mr. Bentley, seconded by Mr. Strainer and carried by majority vote, with Mr. McDevitt voting in opposition, to approve the Year Four Energy Performance Assurance Report provided by Siemens Industry, Inc. and authorize the Chairman of the Board to sign said document and the necessary resolution was authorized for the November 18<sup>th</sup> Board meeting.

Concluding her review, Ms. Park read aloud the "Topics for Discussion" section of her agenda which included the following information:

- Overtime - 89.9 overtime hours were incurred for the prior two pay cycles which included the Columbus Day holiday. This figure reflected a decrease of 292.1 hours in overtime use as compared to the prior year.
- Current Census - The Countryside Adult Home housed a total of 41 residents, comprised of 16 males and 25 females.
- Monthly Statistics - Long Term Residents - four referrals had been received, one from another county, one was awaiting Temporary Assistance approval, one was to be evaluated on the following Wednesday and one was just beginning the placement process.  
Day Care - no new referrals had been received, and one placement was pending.

As Ms. Park had no further business to discuss, privilege of the floor was extended to Suzanne Wheeler, Deputy Commissioner of the Department of Social Services (DSS), who distributed copies of her agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Commencing with Agenda Item 1, Ms. Wheeler presented a request for a transfer of funds in the amount of \$152 within the Youth Bureau Budget to cover a shortfall in Code A.7311 810, Youth Bureau Salaries - Retirement.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously to approve the aforementioned request and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Ms. Wheeler announced that Agenda Item 2 included a request for a transfer of funds in the amount of \$20,000 to offset a deficit in Code A.6010 861, DSS - Retirees Hospitalization. She explained that due to the increase in health benefit costs and the number of additional retirees, there were not sufficient funds to cover the costs of retiree health

insurance benefits for the month of December. Ms. Wheeler clarified that benefits were currently provided for 75 retirees at a cost of approximately \$25,000 to \$30,000 per month.

Motion was made by Mr. McDevitt, seconded by Mr. Kenny and carried unanimously to approve the previously mentioned request for a transfer of funds and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Continuing to Agenda Item 3, Ms. Wheeler addressed a request to fill the vacant position of Caseworker #27, annual salary of \$35,385, due to an expired leave of absence.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve the request to fill the vacant position of Caseworker #27 and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Ms. Wheeler apprised that Agenda Items 4 - 9 consisted of requests for authorization to attend meetings or conventions, which she outlined as follows:

4. Cemanda Roberts to attend Fundamentals of Supervision Training in Albany, NY on December 6<sup>th</sup> and 7<sup>th</sup>. Overnight accommodations were requested for this convention as it was deemed less costly than commuting daily and incurring overtime expenses.
5. Katie Dion to attend Forensic Interviewing Best Practices Training at the New York State Police Academy in Albany, NY on November 30<sup>th</sup> - December 2<sup>nd</sup>. Ms. Dion would commute daily for this training.
6. John McDermott, Patricia Meredith, Mary Wilcox and two new HEAP (Home Energy Assistance Program) examiners to attend HEAP Eligibility & Certification Training in Albany, NY on October 28<sup>th</sup>.
7. Bernice Cote to attend Medicaid Assistance New Worker Institute Training in Albany, NY on November 14<sup>th</sup> - 18<sup>th</sup> and November 28<sup>th</sup> - December 2<sup>nd</sup>. Ms. Cote would commute daily for this training.
8. Lauren Berry and Pamela Parker to attend Sex Abuse Dynamics and Intervention Training in Albany, NY on November 2<sup>nd</sup> - 4<sup>th</sup>. Both attendees would commute daily for this training.
9. Christian Hanchett to attend Foster and Adoptive Home Development Training in Albany, NY on November 9<sup>th</sup> - 10<sup>th</sup>. Overnight accommodations were requested for this convention as it was deemed less costly than commuting daily and incurring overtime expenses.

Mr. Loeb pointed out that Ms. Wheeler had included hand written calculations comparing a breakdown of travel options and costs for each conference listed. He advised that in cases where overnight accommodations were requested, Ms. Wheeler had determined this to be the least costly option when compared to mileage and overtime expenses.

Motion was made by Mr. Bentley, seconded by Mr. Strainer and carried unanimously to approve Agenda Item 4 as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Motion was made by Mr. Kenny, seconded by Mr. Strainer and carried unanimously to approve Agenda Items 5 - 9 as outlined above. *Copies of the Authorization to Attend Meeting or Convention forms are on file with the minutes.*

Concluding the agenda review, Ms. Wheeler addressed the "Topics for Discussion" section as follows:

1. Copies of the Overtime Report were distributed to the Committee members and a copy is also on file

with the minutes. Ms. Wheeler pointed out there was a slight increase in overtime use due to the need for after hours staffing during the recent FEMA (Federal Emergency Management Agency) visit. She said overtime use had also been necessary in the Medicaid division to cover a medical absence. Mr. Loeb noted the Overtime Report had been presented in a new format that allowed for a better comparison of figures, which he preferred.

2. Copies of the Budget Status Report were also distributed and a copy is on file with the minutes. Ms. Wheeler said there was only one area of concern, that being Code 6119, Child Care, which reflected a 90% budget expenditure; she added that they were currently reviewing the situation and believed they could identify funding within the existing Budget that could be transferred to cover any deficit incurred. In response to a question posed by Mr. Loeb, Ms. Wheeler advised the funding issue had been caused by the County's relationship with Berkshire Farms for Foster Care services, noting the expenditure should have been in the area of 66% of the budget for that code. Julie Montero, Fiscal Manager for the DSS, interjected that Berkshire was able to increase their rates at any point, even retroactively for prior years, which had led to the Department being underfunded for the current year.

Mr. Bentley questioned whether ending the County's relationship with Berkshire would reduce costs and Ms. Wheeler replied affirmatively, advising they were moving in this direction but it was a gradual process which would not incur immediate savings. She added that the children served through this program were the primary concern and the change in procedure had to be made in a manner such that it would not affect them adversely.

3. Continuing, Ms. Wheeler introduced Chris Hanchett, Foster Care Supervisor, to answer any questions the Committee might have relative to the Foster Care program.

Mr. Strainer said he had looked into the County's relationship with Berkshire and found that when the idea was introduced, it was supposed to present a savings because the facility did not use civil service employees so there would be no benefit packages requiring funding and, in addition, the arrangement would allow the County to eliminate staff to further increase savings. He advised he had heard comments from both advocates and opponents of the Berkshire facility, but did not have a clear picture of the options best suited for the County or whether a savings would be realized by eliminating the working relationship with Berkshire and assuming all of the Foster Care responsibilities at the County level. Ms. Wheeler apprised that even if the rates at Berkshire had not been increased, the County would have continued to spend more money through the current arrangement than they would if they provided the services themselves. Mr. Strainer stated it had initially been indicated that a significant savings could be realized by utilizing Foster Care services from Berkshire and he questioned what events had transpired to create a larger loss.

Mr. Hanchett provided additional background on the matter, advising that early in her tenure, Sheila Weaver, DSS Commissioner, had begun making a number of changes to the Department, one of those being an arrangement with Berkshire to take over boarding home placement for Foster Care children. He said they had previously worked with Berkshire for placements at residential treatment facilities and group homes, but had not worked with them for foster home services because the County had their own foster homes in place which were recruited, trained, administered and funded at the County level. Mr. Hanchett noted that the County had about 45 excellent foster homes in place before the arrangement with Berkshire was established, all of which were subsequently transferred to that facility. Berkshire had promised better outcomes with their assistance, he said, meaning shorter stays for children, improved services and less need for staffing at the County level, all of which represented a savings. To the contrary, Mr. Hanchett pointed out there were three funding streams to Berkshire for each foster child, those being for payment

to the foster parent, an administrative fee which was twice the amount paid to the foster parent, and a daily Medicaid payment of \$20.84 for each child; Mr. Hanchett noted the Medicaid payment was withdrawn regardless of whether or not a Medicaid claim was submitted. When adding up the three funding streams, he advised the services became very expensive and he noted the Medicaid costs alone totaled approximately \$7,600 per child annually. Mr. Hanchett said that if a proper cost analysis had been initially performed, he believed they would have refrained from working with Berkshire as there was no way to realize savings. He advised there had been no adverse results from the work provided by Berkshire; however, he said, neither was there any evidence the results were better than those that had been achieved when the work was done at the County level. Recognizing these issues, Mr. Hanchett apprised Mrs. Wheeler had charged him with reviewing the situation and determining the best option for the County to provide the same services at the best costs. Following an analysis of costs and service needs, he had determined the best option would be to veer away from the current arrangement with Berkshire Farms and resume providing these services at the County level.

Mrs. Wood stated she was very concerned this issue had not been brought to the Committee's attention before making such a major transition. She said she had spoken with Berkshire representatives on multiple occasions that week and had been advised that although it appeared the decision had been made to end the foster care relationship with Berkshire, no such information had been provided to the facility. Additionally, she advised the cost information she had received from Berkshire was wildly different than the figures indicated by Mr. Hanchett. Mrs. Wood further advised that although Berkshire had been prepared to provide her with a cost analysis upon request, she had yet to receive the same information from the DSS. She added that it was her understanding that all of the County foster homes transferred to Berkshire had been re-trained to become dually certified as both treatment and therapeutic homes, meaning that siblings would not be split if one needed therapeutic treatments. Mrs. Wood said that if the Committee professed to actually put the needs of the children first this was a matter to be considered because if those certifications were not retained, there might be situations in which siblings were split up in order to receive the proper treatment. Another issue to consider, she noted, was that as per indications made by Berkshire, authorization was required every time hospital attention was sought for a Foster Care child, which would mean that a Caseworker had to be called to the medical facility to sign their approval, a measure that would likely incur overtime costs if required at the County level, whereas Berkshire had caseworkers available to accompany the child. Mrs. Wood pointed out that if the County sought to re-introduce the Foster Care services relayed to Berkshire, they would need to recruit, train and certify foster parents which would incur additional costs to the County that were not budgeted expenses. She concluded that before any change in procedure was made, she felt more information and consideration was necessary to make the appropriate decision.

Ms. Wheeler clarified that Berkshire was not authorized to approve medical attention and that only she or Ms. Weaver were able to do so. The current procedure, she advised, was for the hospital to contact her directly and she would speak with the doctor while two nurses listened in to verify her approval. Ms. Wheeler said she and Ms. Weaver had previously taken turns in accepting these calls. Mr. Hanchett noted that prior to Berkshire's involvement, the telephone chain for notification and procedure approvals in the event of a Foster Care child's arrest or need for medical attention included a call to the on-call Supervisor who would then contact the back-up Supervisor who would advise on what should be done and then contact either the DSS Commissioner or Deputy Commissioner; he added that since Berkshire had become involved, another layer of communication had become necessary at the start of the process which included the foster parent contacting the Berkshire call line who called a Berkshire Supervisor before beginning the chain at the County level. Mr. Hanchett agreed the biggest concern was the children and their well being came before cost considerations and he reiterated his prior statements that the outcomes reported by Berkshire were no better than those achieved when the County had provided the same services; however, he noted, the associated costs were much higher and could not be justified. He advised he would

be willing to meeting with the Committee and Berkshire staff to review cost figures and reinforce his findings. With respect to the costs associated with recruiting and training foster parents, Mr. Hanchett advised there was already staff in place to address these needs and the foster homes had maintained the certifications received from their prior dealings with the County. He advised he had received confirmations from at least 20 of the foster homes the County had previously worked with indicating that they would be returning to work with them when the change of policy was complete, meaning there would be no additional costs to the County. The change would involve a very slow process, Mr. Hanchett apprised, because they were dealing with children and certain sensitive issues and conditions had to be considered. He advised that while Mrs. Wood made some very good arguments as to why the matter was not addressed at the Committee level prior to making such a drastic policy change, his question would be why the issue was not discussed publicly before making the change to Berkshire. Ms. Wheeler noted there was no contract in place with Berkshire relative to these services and said that some of the cost issues currently faced might have been avoided if there had been.

Referring to Ms. Wheeler's prior comment that there was no contract in place with Berkshire for the Foster Care home services provided, Mr. Bentley noted that the issue had not been reviewed and approved by the Committee to introduce the agreement and questioned the legality of the arrangement based on this fact. Paul Dusek, County Administrator, said he was also surprised there was no contract in place and that the matter had not been brought to the Committee's attention before making such a large procedural change. He added that he had also been surprised to learn there were Berkshire staff members working in the Human Services Building; however, he noted, the DSS Commissioner did have a number of authorities and powers under State Law and this might be one of those areas, although further investigation would be necessary to make such a determination. Mr. Dusek advised the relationship between the County and the DSS was unique in that the DSS had a number of direct lines of authority under the Law and directly to the State DSS Commissioners allowing them to direct a considerable amount of the operations independently and without Committee direction. The County retained the budgetary authority, he said, and picked up a number of other typical contract issues that regularly came before the Committee. In fairness to Ms. Weaver, Mr. Dusek advised that while he agreed the Committee should have been better informed, the confusing relationship with the governing State entities, as well as the complications added by the involvement of the Family Court which directed the need for action, should be considered.

Mr. Strainer questioned whether additional staffing would be required to sustain the reintroduced Foster Care services and Ms. Wheeler replied that approval had been given to fill two vacant positions, one at the prior Committee meeting and one at the current meeting, to meet this need. Mr. Loeb clarified the request presented at the prior meeting had been to fill a vacant position in the Child Protective Services Division that had been previously transferred from the Foster Care Division; he added that due to decreased need in the CPS Division and a perceived increased need in the Foster Care Division, this was the perfect opportunity to transfer the position back to its original placement. Ms. Wheeler advised that since a new employee would be hired for this position, training would be required.

Discussion ensued, following which Mr. Dusek requested clarification as to whether the Foster Care services provided by Berkshire would continue, or return to the County. Mr. Strainer said he assumed the process would continue to strengthen the Foster Care provisions at the County level and begin the process of ending dependency on the Berkshire facility. Mr. Loeb stated it was his understanding this was an administrative process to be undertaken at the Commissioner's/Deputy Commissioner's discretion and that no Committee action was necessary; that being said, he understood Mrs. Wood's concerns and asked her to clarify the information she would like to receive from the DSS relative to this matter. Mrs. Wood requested documentation regarding the number of children being served by Berkshire, average costs and an indication as to the projected impact on overtime use when the

services were resumed by the County. She added that if a County-run program would yield better monetary results while not affecting the children served, she was not objective to the change. Mrs. Wood explained her concern was based on the fact that prior to the current meeting, no discussion or monetary figures had been presented on the matter. Mr. Hanchett responded that he would gather the information and forward it to Mrs. Wood by the end of the day and Mr. Loeb requested that the information be sent to the rest of the Committee members, as well as Mr. Dusek and Chairman Stec.

Mr. Dusek questioned, once again, whether the Committee desired to end the Berkshire Farms arrangement in favor of a County-operated program and Ms. Wheeler noted the 2012 Budget had been developed based on this procedure and would need to be revisited if the Committee preferred to retain Berkshire's services. It was the consensus of the Committee that they preferred to return to the County-operated program and that Ms. Wheeler should proceed in facilitating the change.

Mr. Loeb noted the disciplinary hearing scheduled for Ms. Weaver on the prior day had been postponed due to a lack of documentation and would be rescheduled at a later date when the necessary information became available. In response to a question posed by Mr. Champagne, Mr. Dusek apprised the County would be providing the missing information.

There being no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Strainer, Mr. Loeb adjourned the meeting at 10:47 a.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist